TABLE OF CONTENTS

IAB #FO2323177 & SH2322988

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 012-09150-0399-013	Date: 10/22/12	Time: 0104	
Location: 555 E. Hardy Street (Emergency Room Centinella Hospital)	City or Station: Inglewood		
Bureau/Station/Facility: South Los Angeles Station	Admin. Investigation: YES ☐ NO ☒		
Type of Force: Significant Force Impact Weapon / Personal Weapons / Head Strikes / Oleoresin Capsicum Spray			
Deputy Injury: YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☐ Call	☐ Observation	☒ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Myron Johnson	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name [redacted]
Sex: [redacted] Male ☐ Female	Race: [redacted]	Unit of Assignment: South Los Angeles Station	Work Assignment (Unit #, Module, etc.): [redacted]
Shift: ☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 507 / Weight: 165
☐ Injured ☐ Treated ☐ Admitted Hospital:	Coroner Case #	Directed Force ☐	Significant Force ☐

E 2

Employee # [redacted]	Last Name Chevez	First Name David	Middle Name A.
Sex: ☒ Male ☐ Female	Race: H	Unit of Assignment: South Los Angeles Station	Work Assignment (Unit #, Module, etc.): 31B
Shift: ☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 508 / Weight: 190
☐ Injured ☐ Treated ☐ Admitted Hospital:	Coroner Case #	Directed Force ☐	Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name
Sex: ☐ Male ☐ Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty	Age:	Height: / Weight:
☐ Injured ☐ Treated ☐ Admitted Hospital:	Coroner Case #	Directed Force ☐	Significant Force ☐

☐ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	[redacted]	[redacted]	[redacted]	Sgt	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Cooper	Timothy	C.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Murphy	Milton	N.

Milton Murphy
Watch Commander (**Print Name**)   Watch Commander's **Signature**:   Emp #:   Date

Romeo F. Ingreso
Supervisor Completing Form: (**Print Name**)   [redacted] Emp #:   Copy Provided to Employee by: Emp #:

Unit Commander (**Print Name**)   Unit Commander's **Signature**:   Emp #:   Date

DISCOVERY Use Only
FO# 2323177

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 03/12)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
0 1 2 - 0 9 1 5 0 - 0 3 9 9 - 0 1 3

Suspect Information

S 1

Last Name: Gutierrez | First Name: Jilberto | Middle Name: NMN

AKA Last Name: "Lazy" of North Side Longo | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 27 | Height: 506 | D.O.B. 06-06-85 | Weight: 230 | Armed? ☐

Booking #: 3337503 | Primary Charge Code: Deceased | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: Deceased | Coroner Case #: 2012-06827 | Mental History ☐ User's guide provides direction on this entry

By Doctor: Deceased | Address: ______ | Phone #: ______

Under Influence: ☐ YES ☒ NO Substance: ______ | 5150 a factor in force ☐ YES ☒ NO User's guide provides direction on this entry

Suspect Interview

Date: Deceased | Time: | ☐ Audiotape: ☐ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name | First Name | Middle Name

AKA Last Name | First Name | Middle Name

Sex: ☒ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | 5150 a factor in force ☐ YES ☐ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name | First Name | Middle Name

AKA Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | 5150 a factor in force ☐ YES ☐ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

SH-R-438P (Rev. 03/12)

Supervisor's Report on Use of Force

0[illegible]2 - 09150 - 0399 - [illegible]13

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
[redacted]	E#1	Jilberto Gutierrez	S#1	OC	NN	FA
Chevez, David	E#2	Jilberto Gutierrez	S#1	PH	NN	FA, HE
Chevez, David	E#2	Jilberto Gutierrez	S#1	BI	LC	HE

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 10/22/2012	Bureau/Station/Facility: F.O.R. II / South Los Angeles Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 012-09150-0399-013	Date: 10/18/2012 Time: 0104
City or Station: South Los Angeles	Nature of Incident: See attached
Location: 555 E. Hardy Street, Inglewood	

Location Type (*circle one or more*): Backyard, Beach, (Business), Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, Street
Other: Emergency room

Lighting (*circle only one*): Darkness, Daylight, (Other), Street Lights

Weather (*circle only one*): (Clear), Cloudy, Fog, Rain

Distance: 5-6 feet

Incident Type (*circle one or more*): Accidental, (Armed Person), Fleeing Suspect, Foot Pursuit, (Gun Take Away), Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, (Other), Search Warrant, (Two Person Unit)

Prior Activity (*circle only one*): Detective, (Inmate Transport), Other, Routine Patrol

Total # of Shots Fired by Deputy: 1
Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]		(EM) PM Day	(Regular) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	[redacted]	[redacted]		(On Duty), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Cooper	Timothy	C

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Murphy	Milton	N.

PSTD Use Only
SH # 2322988

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 012-09150-0399-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10/18/2012	0240	01-23-14	

Employee #	Last Name	First Name	M.I
[redacted]	Johnson	Myron	R
[redacted]	Ladjevic	David	NMN
[redacted]	Flores	Carlos	E

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	BR	9			NN	
E#1	S#1	FH	BR	9	Y	Y	GS	HE

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 012-09150-0399-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Chevez	First Name: David	M.I.: A.
Sex: M Race: H	Rank: DSG	Unit Assignment: South Los Angeles	Work Assignment (Unit #, Module, etc.): 31B
ShiftTime (*circle only one*): (EM circled) PM Day	ShiftType (*circle only one*): (Regular circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☒	Coroner Case # 2012-06827 — Interviewed? ☒
Hrs of sleep prior to shooting: 5 hours	Duty Time (hrs): 3.5 hrs.	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; (Uniform w/ Vest circled)	Other Factors:
Age: [redacted] Height: 508	Weight: 190		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ — Number of Prior Shootings: 1 — Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm	# Shots: 1	Weapons Fired Brand: — Caliber: — # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: — Caliber — # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: — Caliber — # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 012-09150-0399-013

Suspect Information

S 1

Last Name: Gutierrez	First Name: Jilberto	M.I. NMN
AKA Last Name: "Lazy" of North Side Longo	First Name:	M.I.
Sex: M Race: H	Street Address: [redacted] City [redacted]	State & Zip Code: [redacted] [redacted]
Work Phone: [redacted]	Home Phone: [redacted] Social Security #: [redacted]	Driver's License #: [redacted]
Age: 27 D.O.B. 06-06-85	Height: 506 Weight: 230 FBI # [redacted]	CII # [redacted]
Booking # 3337503	Primary Charge: suspect deceased	Secondary Charge: suspect deceased
Coroner Case? ☐	Coroner Case # 2012-06827 Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒ Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: not applicable	Model: not applicable	Year: not applicable

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:

See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Significant Use of Force/On-Duty Hit Shooting**
IAB FILE NUMBER(S):	**SH2322988 & FO2323177**
URN#:	**012-09150-0399-013**
DATE /TIME:	**October 18, 2012, Thursday 0104 hours**
LOCATION:	**555 East Hardy Street, Inglewood, CA. 90301**
INVOLVED PERSONNEL:	Deputy [redacted] #[redacted] Unit 31B EM Shift Deputy David Chevez, #[redacted] Unit 31B EM Shift

Opening Statement

On Thursday, October 18, 2012, Sergeants David Ladjevic and Carlos Flores of the Los Angeles County Sheriff's Department Internal Affairs Bureau responded to 555 East Hardy Street in the city of Inglewood regarding an on-duty hit shooting. The shooting resulted in the death of Suspect Jilberto Gutierrez. Internal Affairs Bureau Lieutenant Myron Johnson and Attorney Bita Shasty of the Office of Independent Review were also notified and responded to the scene.

Synopsis

On the evening of Thursday, October 17 and the early morning hours of October 18, 2012, Deputy [redacted] #[redacted] and Deputy David Chevez #[redacted] were working uniformed patrol at the South Los Angeles Sheriff Station. They were both assigned to Early Morning patrol unit #31B. Deputies [redacted] and Chevez began their shift at [redacted] hours on October 17th and ended at [redacted] hours on October 18, 2012. At approximately 2355 hours, Deputies [redacted] and Chevez provided security for Jilberto Gutierrez as he was transported from the South Los Angeles Station jail to Centinella Hospital in the city of Inglewood. Suspect Gutierrez had been arrested by deputies assigned to the South Los Angeles Station on October 17, 2012, at approximately 1436 hours for Possession of a Controlled Substance, 11377(a) H.S. After being booked and housed at the South Los Angeles Station jail, Suspect Gutierrez complained of chest pains. Paramedics were summoned and assessed him at the station. Paramedics determined Suspect Gutierrez needed additional treatment and transported him to Centinella Hospital via the McCormick Ambulance company.

Deputy Chevez provided security for Suspect Gutierrez and rode inside the ambulance with the suspect and paramedics. Deputy [redacted] followed the ambulance in a marked patrol car. Suspect Gutierrez arrived at Centinella Hospital and was placed inside examination room #12 of the emergency room and handcuffed to a hospital bed. Room #12 was also occupied by another patient named [redacted] and her boyfriend [redacted] A privacy curtain inside room #12 was closed, separating [redacted] from Suspect Gutierrez.

Both Deputy [redacted] and Chevez provided security for Suspect Gutierrez. Suspect Gutierrez was assessed by Kimberly King who was a licensed vocational nurse at Centinella Hospital. Suspect Gutierrez told Kimberly King he experienced chest pains while he was at the South Los Angeles Station jail. After Kimberly King completed her assessment of Suspect Gutierrez, he was admitted as a patient. Suspect Gutierrez was also examined by Doctor Arnold Sin, who was the on-duty emergency room physician. After learning Suspect Gutierrez complained of chest pains, Doctor Sin ordered an electrocardiogram (EKG) and a chest X-ray to be performed on Suspect Gutierrez. Approximately ten (10) minutes later an EKG and a radiology technician arrived at room #12 to perform the examinations ordered by Doctor Sin. Suspect Gutierrez refused to undergo the examinations. Doctor Sin directed Kimberly King to prepare an "Against Medical Advice" (A.M.A.) form and have Suspect Gutierrez sign it. Kimberly King prepared the form and Doctor Sin signed it. Kimberly King re-entered room #12 and informed Deputies Chevez and [redacted] Suspect Gutierrez had to sign the A.M.A. form. The handcuff was removed from Suspect Gutierrez' right hand and he signed the A.M.A. form. Kimberly King left the examination room to make photocopies of the form. Kimberly King photocopied the form and again entered room #12. She handed the signed form to Suspect Gutierrez and left once again.

As Suspect Gutierrez' discharge paperwork was being processed, Deputy [redacted] and Deputy Chevez remained inside room #12 with Suspect Gutierrez. As Deputy [redacted] reached for a lever on the hospital bed, Suspect Gutierrez suddenly attacked him (Deputy [redacted]). Suspect Gutierrez reached across his body and grabbed onto Deputy [redacted] holstered duty weapon with his right hand. Suspect Gutierrez attempted to un-holster Deputy [redacted] duty weapon. Deputy Chevez came to the aid of Deputy [redacted] and began punching Suspect Gutierrez about the face. Suspect Gutierrez continued to try and disarm Deputy [redacted] while Deputy Chevez removed his expandable baton and struck him (Suspect Gutierrez) on the head several times. As this occurred, [redacted] heard loud crashing and the sounds of a struggle from the other side of the privacy curtain. She grabbed her purse and ran out of the room.

During the struggle, Deputy [redacted] removed his oleoresin capsicum spray and administered spray onto Suspect Gutierrez' face. Suspect Gutierrez continued his attempt to disarm Deputy [redacted] maintaining his grip on Deputy [redacted] holster and firearm with his right hand. Eventually Deputy [redacted] separated himself from Suspect Gutierrez and retreated away from the hospital bed. Deputy [redacted] ensured his pistol was still holstered. Suspect Gutierrez got off of the hospital bed and tried to

free his left hand from the handcuff that secured it to the bed railing. Suspect Gutierrez lunged at Deputy [redacted] pistol with his right hand (which was not handcuffed to the bed railing). Deputy [redacted] backed away. Fearing Suspect Gutierrez was going to disarm Deputy [redacted]nd kill him, Deputy Chevez removed his duty pistol and fired one round at Suspect Gutierrez, striking him in the head. Doctor Sin, who had treated Suspect Gutierrez earlier for chest pains, entered the room and pronounced him dead at 0105 hours.

Detectives Frank Salerno and Ronald Duval from the Los Angeles County Sheriff's Department Homicide Bureau arrived and assumed control of the homicide investigation. For further information regarding the homicide investigation refer to the Homicide case book under File #012-09150-0399-013, submitted with this Internal Administrative investigation, see **Exhibit A**.

I.A.B. NOTE: During the completion of their investigation Detectives Salerno and Duval determined Suspect Gutierrez did not make any recorded telephone calls at the South Los Angeles Station.

On June 12, 2013, the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's issued a letter of opinion regarding the shooting. It was the conclusion of JSID that Deputy David Chevez acted in lawful self-defense and in defense of his partner Deputy [redacted]. Their conclusion is contained in the letter, see **Exhibit B**.

Involved Personnel

[redacted] #[redacted]
Central Patrol Division/ South Los Angeles Station

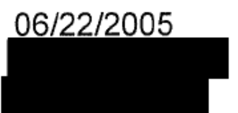
Work History



Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date Assigned to Station: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force: None

David A. Chevez #[redacted]
Central Patrol Division/ South Los Angeles Station

Work History



Date of Employment: 06/22/2005
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]

Date Assigned to Station: 03/21/2010
Prior Shooting Incident(s): 06/23/2011
Prior Founded Force: [redacted]

Suspects

Gutierrez, Jilberto MH/27, DOB 06-06-85, Deceased
Coroner's Case Number #2012-06827

Injuries

Suspect Gutierrez sustained one (1) fatal gunshot wound and two (2) lacerations to his head, **refer to page 64 of Exhibit A**. These wounds and cause of death were documented in a report submitted by the Department of the Coroner under file #2012-06827, **see page 66 of Exhibit A.**

No deputies were injured in this incident.

Physical Evidence

All physical evidence was located and collected by Homicide Investigators, Sergeants Frank Salerno #[redacted] Ronald Duvall #[redacted] and Sergeant Mitchell Loman #[redacted] They were assisted Forensic Identification Specialists Alex Strouzer #[redacted] and senior Criminalist Manuel Munoz #[redacted] assigned to the Scientific Services Bureau Firearms Section. They were also assisted by Forensic Identification Specialists Michelle Acevedo #[redacted] and Senior Criminalist Maryam Nickooshiam #[redacted] of Scientific Services Bureau. For descriptions of the evidence collected and where it was collected, see the Homicide Investigation Book under **Exhibit A,** pages 51-53.

Investigators Observations

The scene is described in detail by Homicide investigators, Detective Sergeants Mitchell Loman and Chris Bergner. Their description of the scene is consistent with the IAB Investigators observations. Refer to pages 31-34 of **Exhibit A**. The scene was also photographed by Deputy John Chun #[redacted] of the Scientific Services. Refer to the compact disc and thumb nail photos under **Exhibit C.**

Review of Radio Transmissions

Below are notable radio transmissions following the deputy involved shooting:

00:14 – Unit 31B broadcasted they had been involved in a shooting with one (1) suspect down.
00:33 – Unit 31B broadcasted all deputies were accounted for.

00:54 – Unit 31B broadcasted there were no outstanding suspects and one (1) suspect was down.
01:26 – Unit 31B broadcasted they were inside the emergency room inside examination room #12.
01:56 – Aero Bureau helicopter announces they were monitoring Dispatch-12.
04:42 – Unit 31 arrived at the location.
05:26 – Unit 32A announces the situation is Code-4.
05:39 – Unit 31S arrives at the location.

Weapons Used by Deputy Personnel

Deputy [redacted] used his oleoresin capsicum spray against Suspect Gutierrez in the moments preceding the shooting.

Deputy Chevez fired one (1) round of Department issued 9mm ammunition from his Department issued Beretta 92F, semi-automatic pistol serial number BER[redacted] The weapon was examined by Scientific Services Firearms Identification Unit and found to be functional, **see page 52 of Exhibit A**. Deputy Chevez also used personal weapons (punches) and an expandable baton during a use of force in the moments preceding the shooting. One (1) bullet was recovered from the body of Jilberto Gutierrez, **see page 65 of Exhibit A**.

Date last qualified: [redacted]
Date last trained with weapon:

Weapon used by Suspect

Suspect Gutierrez used his right hand as a personal weapon in an attempt to disarm Deputy [redacted] by removing his duty weapon from its holster.

Property Damage

No property damage occurred during this use of force and deputy involved shooting.

Criminal Investigators

The criminal investigation was handled by Detectives Frank Salerno #[redacted] and Ronald Duvall #[redacted] of the Los Angeles County Sheriff's Department Homicide Bureau.

Lighting and Weather Conditions

The shooting occurred during night time hours inside examination room #12 at the emergency room of Centinella Hospital. The interior of examination room #12 was dry, absent of outdoor natural elements and was illuminated by a functioning florescent light mounted on the ceiling.

Homicide Bureau Interviews of Non- Employee Witnesses

The emergency room of Centinella Hospital was canvassed for persons who witnessed either the use of force or the shooting by South Los Angeles Station personnel and by Homicide Bureau investigators. Several persons heard the struggle between Deputies [redacted] Chevez and Suspect Gutierrez but none witnessed the use of force or the shooting. The persons who heard the struggle and the sound of the gunshot were interviewed by Homicide Bureau Detectives Duvall and Salerno. These interviews are contained on **pages 37-41of Exhibit A**.

Deputies Hill, [redacted] Maldonado and Woullard, all assigned to the South Los Angeles Station also canvassed the emergency room for witnesses to either the use of force and/or the shooting. They did not locate any persons who witnessed the use of force and/or the shooting. Their interviews were documented in supplemental reports under the same file number and contained on **pages 12-25 of Exhibit A**.

Internal Affairs Bureau Interviews

Interview of Deputy [redacted]

Deputy [redacted] was interviewed by Sergeant Romeo Ingreso and Sergeant David Ladjevic on December 3, 2013 at approximately 1315 hours at the Internal Affairs Bureau. Deputy [redacted] was represented by his attorney Audra Call from the law firm of Green & Shinee. The interview was digitally recorded and transcribed. Sergeant Ingreso summarized the interview. For a verbatim account of the interview, see the transcribed interview submitted with this case book.

Deputy [redacted] stated he was currently assigned to the South Los Angeles Station as a [redacted] but is currently on-loan to the South Los Angeles Station Detective Bureau. Deputy [redacted] has been assigned to the South Los Angeles Station for approximately 4 years. Deputy [redacted] began [redacted] at the South Los Angeles Station during February 2010 [redacted]

Deputy [redacted] stated on October 17, 2012, he was assigned to patrol at the South Los Angeles Station as Unit 31B, during the Early Morning Shift. His partner during his shift was Deputy David Chevez. Deputy [redacted] was wearing a Los Angeles County Sheriff Department Class "A" uniform.

Deputy [redacted] and his partner were assigned to transport a prisoner (identified as Suspect Gutierrez) from the South Los Angeles Station jail to Centinella Hospital. Deputy [redacted] stated Suspect Gutierrez had possibly suffered a seizure or chest pains while in the jail and paramedics had responded. After treating Suspect Gutierrez the paramedics transported Suspect Gutierrez to the hospital in an ambulance. Deputy Chevez rode in the ambulance with Suspect Gutierrez while Deputy [redacted] followed in a patrol car. Deputy [redacted] stated he did not receive any special instructions or information about Suspect Gutierrez prior to transporting him.

Deputy [redacted] also said Suspect Gutierrez was not combative prior to being transported. He also stated he had no contact with the suspect prior to October 17, 2013.

Deputy [redacted] described Suspect Gutierrez as lethargic, quiet and almost in a "drowsy" state after arriving at the hospital. Suspect Gutierrez was cooperative and obeyed Deputy [redacted] instructions. Deputy [redacted] said he did not feel the need to request additional deputies to help provide security for Suspect Gutierrez. Deputy [redacted] said Suspect Gutierrez admitted to the paramedics in the presence of Deputy Chevez he was a methamphetamine user. Deputy [redacted] said Suspect Gutierrez did not display any visible symptoms of being under the influence of methamphetamine. Deputy [redacted] described Suspect Gutierrez' behavior in the hallway of the emergency room as calm and lethargic. Deputy [redacted] said Suspect Gutierrez did not present any indication he was going to attack him within the next few hours.

After being assessed in the hallway by medical personnel, Suspect Gutierrez was transferred to an examination room and transferred from the gurney to a hospital bed. Suspect Gutierrez eventually had both hands handcuffed to the railing of the hospital bed. Deputy [redacted] said the examination room contained two (2) patient beds which were separated by a privacy curtain. The bed Suspect Gutierrez was secured into was deepest in the room. The other hospital bed was closer to the entry door and was occupied by a female black adult patient who was accompanied by a male black adult. Both Deputy [redacted] and Deputy Chevez remained in the examination room with Suspect Gutierrez.

Suspect Gutierrez was examined by medical personnel who ordered a chest x-ray and an electro cardiogram (EKG) to determine the source of Suspect Gutierrez' chest pains. Several medical professionals entered the examination room along with equipment necessary to complete the examinations. Deputy [redacted] exited the room so the equipment could be properly used and the examinations completed. Deputy [redacted] remained at the door way to the examination room where he could hear and see Deputy Chevez.

I.A.B. NOTE: The examination room was 19 feet 1 inch in depth and 11 feet 7 inches wide as depicted in a Los Angeles County Sheriff sketch of the room on page 62 of **Exhibit A**. Deputy [redacted] was approximately 14-15 feet away from Deputy Chevez as he remained by the entrance door of the examination room.

Deputy [redacted] re-entered the room after Suspect Gutierrez refused to allow the emergency room personnel to perform the medical examinations on him. Suspect Gutierrez asked Deputy [redacted] to remove the handcuff from his left wrist because he claimed it was applied too tight. Deputy [redacted] checked the application of the handcuff by inserting two (2) fingers into the area between the handcuff and Suspect Gutierrez' wrist. Deputy [redacted] determined the handcuff was applied properly and left the handcuff as it was applied.

After demonstrating to Suspect Gutierrez the handcuff was applied properly, Suspect Gutierrez appeared content with Deputy [redacted] decision. Deputy [redacted] said the decision not to remove the left handcuff from Suspect Gutierrez did not appear to agitate him.

A nurse entered the examination room and told both Suspect Gutierrez and the deputies Suspect Gutierrez needed to sign an "Against Medical Advice" form. Deputy [redacted] removed a handcuff from Suspect Gutierrez' right hand so he could sign the medical form. Suspect Gutierrez had difficulty signing the form, writing his name in a slow, lethargic manner. Deputy [redacted] told Suspect Gutierrez, he was going to be transported back to the South Los Angeles Station and approached the hospital bed. Deputy [redacted] reached over the bed to raise the head of the bed forward. His intention was to have Suspect Gutierrez lean forward so he could handcuff his right hand (which remained un-handcuffed) to his left hand, which was still handcuffed to the bed railing. Suspect Gutierrez suddenly and without warning, reached across his body and grabbed onto the grip of Deputy [redacted] duty pistol with his right hand.

Deputy [redacted] said he was shocked by the attack and immediately besieged with fear. He placed both of his hands on the top of his pistol and Suspect Gutierrez' right hand in the hope of retaining control of his pistol. Deputy [redacted] stated he believed Suspect Gutierrez was trying to arm himself with his duty weapon and then use it to shoot him.

I.A.B. NOTE: On October 18, 2012, Deputy [redacted] was armed with a Los Angeles County Sheriff Department issued Beretta 9mm handgun. While Deputy [redacted] described how suspect Gutierrez tried to disarm him, Sergeant Ingreso physically demonstrated the manner in which Suspect Gutierrez grabbed onto Deputy [redacted] duty weapon. This was done to gain a better understanding of how suspect Gutierrez physically held onto Deputy [redacted] duty weapon. Sergeant Ingreso demonstrated this by placing the palm of his hand around the grip and magazine well of his own Los Angeles County Sheriff Department issued Beretta 9mm pistol. As Sergeant Ingreso completed the demonstration, Deputy [redacted] indicated the actions Sergeant Ingreso performed mimicked the actions of Suspect Gutierrez on October 18, 2012.

Deputy [redacted] added he believed Suspect Gutierrez was trying to gain control of his duty weapon so he could shoot him his partner Deputy Chevez or anyone else he contacted. Deputy [redacted] said Suspect Gutierrez went from being calm to launching a furious and intense attack against him instantly. Suspect Gutierrez began "yanking" violently on Deputy [redacted] gun, pulling on his body and rotating his duty belt, pulling Deputy [redacted] duty weapon closer to Suspect Gutierrez. Deputy [redacted] kept both hands on his gun and hood of his holster as he tried to pull away. The retention hood on Deputy [redacted] holster slid forward, so he pushed down on his duty weapon with both hands in an effort to maintain control of the gun. Suspect Gutierrez did not

say anything as he tried to disarm Deputy [redacted] When Deputy [redacted] was asked if he said anything to Suspect Gutierrez during these moments, he could not recall anything but "fighting for his life."

Deputy Chevez, who was standing next to Deputy [redacted] when the attack occurred, began punching Suspect Gutierrez about the head and face with both fists. Deputy [redacted] said the punches delivered by Deputy Chevez did not stop Suspect Gutierrez' attack against him. After realizing Deputy Chevez was punching the suspect, Deputy [redacted] saw Deputy Chevez begin to strike Suspect Gutierrez on the head with a baton. Suspect Gutierrez began bleeding from his head however the baton strikes did not stop his attack. Deputy [redacted] saw blood flowing down Suspect Gutierrez' face as he struggled to keep control of his gun. The hospital bed shook as Deputy [redacted] tried to separate himself from the suspect.

Deputy [redacted] bladed his body away from Suspect Gutierrez and believed he could safely remove his left hand from his holster. Deputy [redacted] was initially inclined to punch Suspect Gutierrez with his left hand but did not. Deputy [redacted] was fearful his left hand may be accidentally hit by Deputy Chevez' baton if he attempted to strike the suspect. Deputy [redacted] did not want to risk injury to his left hand and not be able to use it to maintain grasp and control of his duty weapon. Deputy [redacted] removed his oleoresin capsicum spray from the right side of his duty belt and sprayed Suspect Gutierrez in the face. As Deputy [redacted] sprayed Suspect Gutierrez, he believed the retention hood on his holster was still open.

The oleoresin capsicum spray affected the suspect, who lost his grip on Deputy [redacted] duty weapon as Deputy [redacted] pulled away from him. Deputy [redacted] stated he felt the effects of the oleoresin capsicum spray after the incident while he attempted to broadcast a radio transmission. Deputy [redacted] said he had difficulty speaking on the radio.

After freeing himself from Suspect Gutierrez, Deputy [redacted] stepped backwards, placing approximately 1 ½ feet between him and the suspect. Deputy [redacted] remembers closing the retention hood on his holster, stepping back and placing his left arm in front of him in a defensive manner. Suspect Gutierrez simultaneously jumped out of the hospital bed and began attempting to free his handcuffed left hand from the bed rail. Suspect Gutierrez violently tried to rip the handcuff from the bedrail. His attempts to free himself were so intense and violent the force Suspect Gutierrez used raised the hospital bed off the floor. Suspect Gutierrez suddenly lunged at Deputy [redacted] reaching his outstretched right arm and hand directly at Deputy [redacted] holstered duty weapon. Deputy [redacted] did not have time to retreat out of arm's reach of Suspect Gutierrez, or retreat out of the room. Deputy [redacted] stated he was "shocked" and in disbelief when Suspect Gutierrez attempted reached for his gun again. As Deputy [redacted] was stepping back, he heard a single gunshot and saw Suspect Gutierrez collapse directly in front of him. The suspect was bleeding from a gunshot wound to his head. Deputy [redacted] did not witness Deputy Chevez shoot the suspect. Deputy [redacted] estimated the entire struggle last between 15-20 seconds.

Deputy [redacted] and Deputy Chevez briefly checked on each other's welfare and stepped back away from the suspect. Deputy [redacted] immediately broadcasted over Dispatch 12 he and his partner had been in a shooting. Deputy [redacted] estimated the entire incident lasted approximately 15-20 seconds and described the situation as "fast and violent."

I.A.B. NOTE: The radio traffic which was broadcasted by both Deputy [redacted] and Deputy Chevez was broadcasted over Dispatch-12 via the Duplex Patch. A compact disc containing this radio transmission and related radio transmissions over L-Tac were submitted with this case book, **see Exhibit D**.

Deputy [redacted] discovered the female patient and her male companion were no longer inside the examination room as he broadcasted over his radio. Hospital staff arrived at the examination room along with assisting South Los Angeles Station patrol units. A doctor entered the room and pronounced Suspect Gutierrez dead. Deputy [redacted] was transported to the South Los Angeles Station by a supervisor. Deputy [redacted] was interviewed by Homicide detectives at the South Los Angeles Station later that morning.

Deputy [redacted] said he was not equipped with a Taser during the incident. He said at the time of the incident only field supervisors and training officers were issued Tasers for field use. He explained if a Taser was required at the scene of a call, the deputies would normally request the presence of a supervisor who was issued a Taser. Deputy [redacted] stated in the moments prior to the suspect attacking him there was not a need to request a supervisor who was issued a Taser.

[redacted]

I.A.B NOTE: A copy of Deputy [redacted] department training records were submitted with this case book, **see Miscellaneous Documents**.

Interview of Deputy David Chevez

Deputy David Chevez was interviewed by Sergeant Romeo Ingreso and Sergeant David Ladjevic on December 3, 2013 at approximately 1410 hours at the Internal Affairs Bureau. Deputy Chevez was represented by his attorney Audra Call from the law firm of Green & Shinee. The interview was digitally recorded and transcribed. Sergeant Ingreso summarized the interview. For a verbatim account of the interview, see the transcribed interview submitted with this case book.

Deputy Chevez stated he was currently assigned to the South Los Angeles Station as a patrol deputy. Deputy Chevez has been assigned to the South Los Angeles Station for

approximately 3 ½ years. Deputy Chevez began patrol training at the South Los Angeles Station during March 2010 and completed training on August 21, 2010.

Deputy Chevez said on October 17, 2012, he was assigned to the South Los Angeles Station as patrol unit #31B with Deputy [redacted] on the Early Morning shift. Deputy Chevez and Deputy [redacted] were assigned to the Vermont patrol area. Deputy Chevez was wearing a standard long sleeve Class "A" uniform.

Deputy Chevez said he volunteered to transport a prisoner (identified as Suspect Gutierrez) to Centinella Hospital. Deputy Chevez explained while he was booking a prisoner at the South Los Angeles Station, Suspect Gutierrez suffered a possible seizure and paramedics responded. Deputy Chevez realized Suspect Gutierrez needed to be transported to a hospital and since he and his partner were already present at the station, he volunteered for the assignment. Deputy Chevez said he did not receive any special instructions prior to the assignment. Deputy Chevez also said Suspect Gutierrez was not described as combative or hostile prior to the transport. Paramedics determined Suspect Gutierrez was not having a seizure and was possibly "faking" the seizure or he was suffering from anxiety. Deputy Chevez did not have any contact with, arrest or know Suspect Gutierrez prior to transporting him to Centinella Hospital.

Deputy Chevez rode in the ambulance with paramedic personnel and Suspect Gutierrez as he was transported to the hospital. Deputy Chevez said Suspect Gutierrez was lying face up on a gurney with his left hand handcuffed to the gurney while his right hand was free. Deputy Chevez described Suspect Gutierrez' demeanor during the transport as very quiet, almost non-responsive. Deputy Chevez did not speak with Suspect Gutierrez during the transport and said he did not appear belligerent or hostile. Suspect Gutierrez did not display any indication he was going to attack Deputy [redacted] later in the evening. After arriving at the hospital, he and Suspect Gutierrez had to wait in the hallway as his medical paperwork was processed. Suspect Gutierrez was very quiet and did not appear upset. Deputy Chevez said he had participated in approximately 20-30 prisoner transports and this one was not any different than the others. Deputy Chevez did not feel the need to request any other deputies to the hospital based upon Suspect Gutierrez' demeanor.

Suspect Gutierrez was transferred to examination room #12. The paramedics pushed Suspect Gutierrez into the examination room while he remained handcuffed to the gurney. Once in the examination room, Suspect Gutierrez was un-handcuffed and he was repositioned onto a hospital bed. Suspect Gutierrez had only his right hand handcuffed to the hospital bed railing. Deputy Chevez said the examination room was also occupied by a female black patient and her male black companion. Deputy Chevez said the examination room was divided by a privacy curtain and it was closed after Suspect Gutierrez was secured onto the hospital bed.

Deputy Chevez said Suspect Gutierrez admitted to paramedics as he was transported he was a methamphetamine user. Suspect Gutierrez did not display any symptoms of being under the influence of methamphetamine while he was being transported in the

ambulance or while he was waiting in the hallway of the emergency room. While in the examination room, Suspect Gutierrez was examined by medical staff. At one point electrodes were placed on him so an electrocardiogram could be completed. Suspect Gutierrez immediately removed the electrodes and refused any further treatment. Deputy Chevez said Suspect Gutierrez was not adversarial or confrontational while refusing the medical treatment. Deputy Chevez believed Suspect Gutierrez had become agitated with the process in which he was receiving medical care. Deputy Chevez handcuffed Suspect Gutierrez' left hand to the bed railing, ensuring both of his hands were secured, and believed it would make the medical staff more comfortable. At one point Suspect Gutierrez asked Deputy [redacted] to remove the handcuff from his left wrist, claiming it was applied too tight. Deputy [redacted] checked the fit of the handcuff and determined it was applied correctly. Deputy Chevez did not believe this caused Suspect Gutierrez had become upset with him or his partner.

After refusing medical treatment, Subject Gutierrez was presented with an "Against Medical Advice" form to sign. Deputy Chevez asked Suspect Gutierrez if he was left or right handed. Suspect Gutierrez told Deputy Chevez he was right handed and Deputy Chevez removed the handcuff from Suspect Gutierrez' right hand. Suspect Gutierrez' left hand remained handcuffed to the bed railing. Suspect Gutierrez signed the medical form and Deputies Chevez and [redacted] were provided medical clearance to transport and book Suspect Gutierrez at the South Los Angeles Station. Deputy [redacted] told Suspect Gutierrez he was going to be transported back to the station and began adjusting the bed so he could handcuff both of his hands. Deputy Chevez stated Suspect Gutierrez did not display any response when told he was being transported back to the station.

I.A.B. NOTE: Suspect Gutierrez signed an Against Medical Advice form declaring he refused all medical treatment at Centinella Hospital. This form is contained in **Exhibit A, page 28**. The Laboratory Analysis Summary Report performed during the autopsy of Suspect Gutierrez revealed he had Methamphetamine in his blood system. This summary is contained in **Exhibit A, page 80**.

Deputy [redacted] began adjusting a lever on the bed when Suspect Gutierrez, without warning, grabbed Deputy [redacted] duty weapon with his right hand. Deputy Chevez stated Suspect Gutierrez did not strike Deputy [redacted] was not trying to escape or fight in any way, but was trying to disarm Deputy [redacted] Deputy [redacted] placed his hands over suspect Gutierrez' hand in an effort to retain his duty weapon. Deputy Chevez immediately believed he and his partner were in a life threatening situation. Deputy Chevez was standing shoulder to shoulder with Deputy [redacted] when Suspect Gutierrez attacked Deputy [redacted] Deputy Chevez described being "shocked" by Suspect Gutierrez' attack and was immediately fearful. Deputy Chevez believed Suspect Gutierrez was trying to disarm his partner so he could kill him and his partner, kill himself and possibly kill patients and medical staff inside the hospital.

Deputy Chevez punched Suspect Gutierrez between 5-20 times on his head and face with his right fist. Deputy Chevez delivered the punches in quick succession however the strike had no effect on Suspect Gutierrez. The punches never caused Suspect Gutierrez to release his grip on Deputy [redacted] duty weapon. After recognizing his punches did not affect Suspect Gutierrez, Deputy Chevez drew his expandable baton in the extended position and struck Suspect Gutierrez on the head approximately 15 times. Deputy Chevez chose to strike Suspect Gutierrez on the head believing these strikes would be most effective in stopping the attack against Deputy [redacted] Deputy Chevez believed if he struck the suspect's right hand he may have accidentally struck Deputy [redacted] hands, preventing him from keeping his duty weapon in the holster. At some time during the incident, Deputy Chevez lost control of his baton and it fell to the ground. Deputy [redacted] sprayed Suspect Gutierrez in the face with his oleoresin capsicum spray, causing Suspect Gutierrez to release his grasp on Deputy [redacted] duty weapon.

Deputy [redacted] retreated backwards while Suspect Gutierrez got off the bed, stood up and began trying to free himself from the bed. Suspect Gutierrez began violently shaking the bed and lunged towards Deputy [redacted] again reaching for his duty weapon. Deputy Chevez said Suspect Gutierrez was within an arm's length of Deputy [redacted] as he retreated backwards toward the entrance/exit door of the examination room.

I.A.B. NOTE: As Deputy Chevez was describing how Suspect Gutierrez lunged at and reached for Deputy [redacted] gun, he reached across the interview table with his right hand towards the center of Sergeant Ingreso's waistline. Deputy Chevez also said the bed railing Suspect Gutierrez was handcuffed to provide him (Suspect Gutierrez) the ability to move along the railing. This ability to move the handcuff along the railing provided Suspect Gutierrez free range of motion and allowed him to close distance with Deputy [redacted]

Deputy Chevez believed Suspect Gutierrez was determined to disarm Deputy [redacted] and kill him with his duty weapon. Deputy Chevez also believed he and Deputy [redacted] had exhausted all options trying to defeat Suspect Gutierrez' attack. Deputy Chevez believed he, his partner and other persons in the hospital were in danger of being killed by Suspect Gutierrez. In an attempt to defend his partner's life, Deputy Chevez drew his duty weapon and shot Suspect Gutierrez once in the head. Deputy Chevez said this sequence of events was a very intense, moment to moment, situation which occurred over the course of a few seconds. Deputy Chevez had no time to warn either his partner or Suspect Gutierrez he was going to fire his duty weapon. The single round which Deputy Chevez fired, struck Suspect Gutierrez on the top of his head. Suspect Gutierrez fell forward with his left hand still handcuffed to the bed railing. Deputy Chevez said his shooting background was a wall of the examination room. Deputy Chevez estimated he was approximately 5-6 feet away from the suspect when

he fired his duty weapon. Deputy Chevez held Suspect Gutierrez at gunpoint as Deputy [redacted] began transmitting emergency radio traffic over his hand held radio.

Deputy Chevez said he tried to calm Deputy [redacted] as he transmitted over his hand held radio. He said Deputy [redacted] was very excited and scared as he spoke over the radio. Deputy Chevez said he wanted Deputy [redacted] to sound calm as he spoke so units arriving on scene would not be "amped." When assisting deputies arrived, Deputy Chevez left the room. Deputy Chevez recalled seeing medical staff inside the room but he was unsure if they were rendering aid to Suspect Gutierrez.
Deputy Chevez was transported to the South Los Angeles Station by a supervisor where he waited to be interviewed by Homicide Detectives.

Deputy Chevez said he was not equipped with a Taser during this incident. Deputy Chevez at the time of the shooting, only supervisors were issued Tasers. Deputy Chevez stated if a patrol deputy needed the use of a Taser, one would request the presence of a supervisor. Deputy Chevez stated he did not feel the need to request the presence of a supervisor prior to Suspect Gutierrez attacking Deputy [redacted] He explained prior to the attack Suspect Gutierrez never displayed any behavior which would necessitate the presence of a supervisor or the use of a Taser. Deputy Chevez did not remember the brand name of the baton he used [redacted] to strike Suspect Gutierrez. Deputy Chevez estimated he attended the training [redacted] Deputy Chevez used his Department issued Beretta 92F 9mm handgun during the incident.

I.A.B NOTE: A copy of Deputy Chevez's department training records and firearms qualification records were submitted with this case book, **see Miscellaneous Documents**.

The emergency room of Centinella Hospital was canvassed for persons who witnessed either the use of force or the shooting by South Los Angeles Station personnel and by Homicide Bureau investigators. Several persons heard the struggle between Deputies [redacted] Chevez and Suspect Gutierrez but none witnessed the use of force or the shooting. The persons who heard the struggle and the sound of the gunshot were interviewed by Homicide Bureau Detectives Duvall and Salerno. These interviews are contained on **pages 37-41of Exhibit A**.

Deputies Hill, [redacted] Maldonado and Woullard, all assigned to the South Los Angeles Station also canvassed the emergency room for witnesses to either the use of force and/or the shooting. They did not locate any persons who witnessed the use of force and/or the shooting. Their interviews were documented in supplemental reports under the same file number and contained on **pages 12-25 of Exhibit A**.

Miscellaneous

IAB Lieutenant Myron Johnson checked to see that the Watch Commander, Lieutenant Milton Murphy took reasonable steps to ensure that the involved parties and witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, as well as insuring the involved parties and witness personnel did not collectively consult with their attorney or representative. In addition, Lieutenant Johnson checked to see if the watch commander attempted to have the involved parties and witness personnel gather in the company of a supervisor until they had provided a statement to the assigned investigators.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

June 12, 2013

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 12-0685
L.A.S.D. File # 012-09150-0399-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 18, 2012, fatal shooting of Jilberto Gutierrez by Los Angeles Sheriff's Department (LASD) Deputy David Chevez. We have concluded that Deputy Chevez acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on October 18, 2012, at approximately 2 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Amy Pellman Pentz and District Attorney Senior Investigator [redacted], responded and was given a briefing and walk-through of the scene by Los Angeles County Sheriff's Department Lieutenant Holly Francisco.

The following analysis is based upon reports, DVD recordings, photographs and recorded interviews submitted to this office by Detectives Frank Salerno and Ron Duval of the LASD's Homicide Bureau. No departmentally compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On October 17, 2012, at approximately 11:30 p.m., Deputies David Chevez and [redacted] were working a patrol assignment at South Los Angeles Station. The deputies had just finished booking an arrestee at South Los Angeles Jail when they were notified that another arrestee, Jilberto Gutierrez, needed to be transported to the hospital. Deputy Chevez volunteered himself and [redacted] to assist in transporting Gutierrez to the hospital.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208
WEBSITE: http://da.co.la.ca.us

An ambulance arrived and drove Gutierrez to Centinela Medical Hospital in the City of Inglewood. Deputy Chevez rode with the ambulance and [redacted] followed in their marked black and white police vehicle. While en route to the hospital, Gutierrez told emergency medical technician Christopher Chang that he was "kicking meth" and had not used in two days.

When the ambulance arrived at the hospital, Gutierrez was brought to the triage area of the emergency room. Chevez completed paperwork to admit Gutierrez while a nurse questioned Gutierrez regarding his condition. Gutierrez was admitted and sent to room #12, bed B.[1]

Once inside the room, Chevez removed the handcuffs on Gutierrez' wrists and Gutierrez moved from the gurney onto the hospital bed. Chevez told Gutierrez to handcuff his right wrist to the hospital bed. Gutierrez complied. The privacy curtain was drawn to enclose Gutierrez' bed.

Kimberly King, a licensed vocational nurse, entered the room and spoke with Gutierrez. Gutierrez complained of chest pains to King. Next, Dr. Arnold Sin spoke with Gutierrez. Gutierrez denied having chest pains but told Dr. Sin that he was feeling weak. Dr. Sin ordered chest X-rays and an electrocardiogram (EKG). When the EKG technician arrived and attempted to conduct the EKG, Gutierrez ripped the electrodes from his chest and refused treatment. At this time, Chevez handcuffed Gutierrez' left wrist to the bed's railing. The X-ray technician attempted to conduct an X-ray. Gutierrez again refused medical treatment.

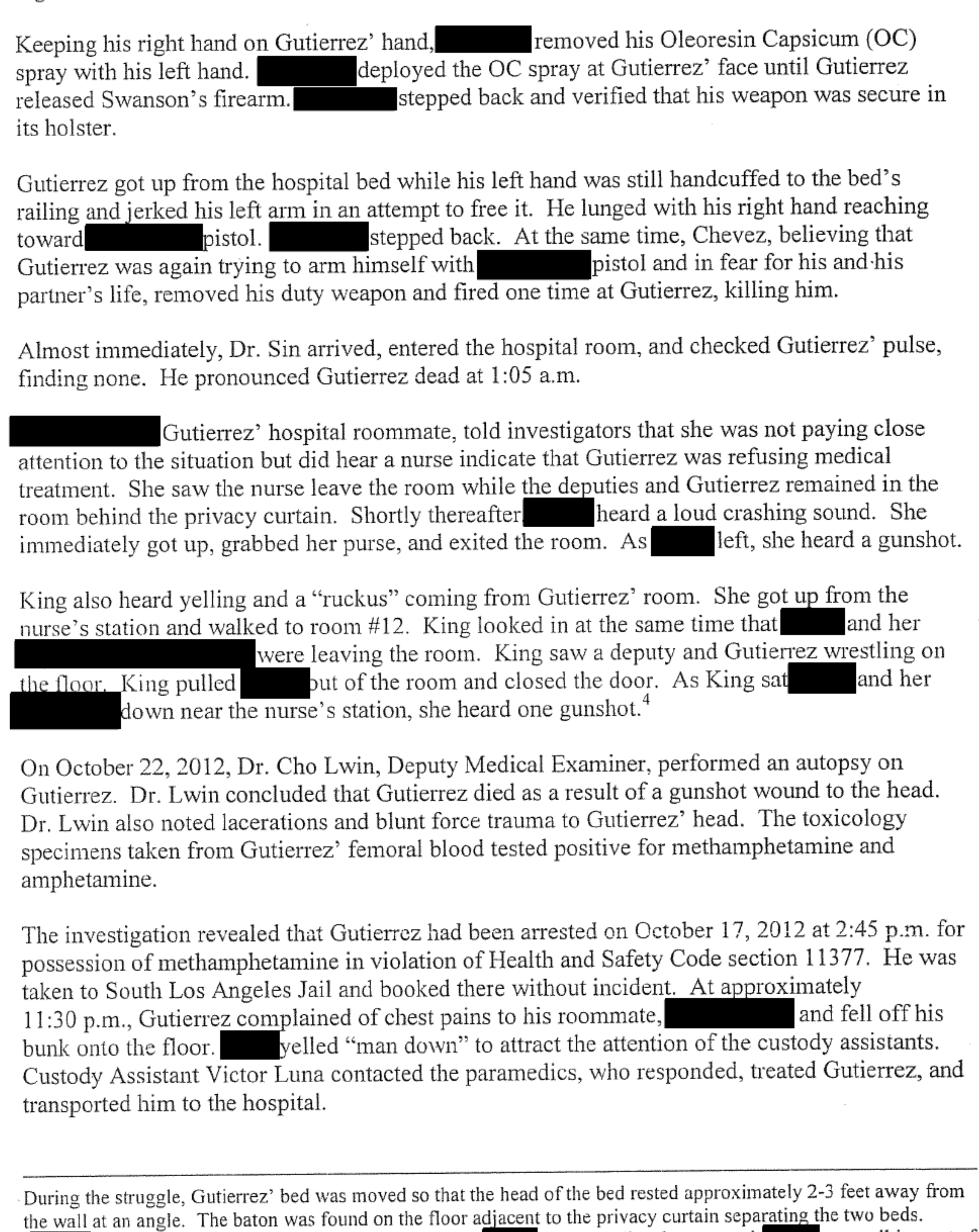
Dr. Sin was made aware of Gutierrez' refusal and advised that Gutierrez must sign an "Against Medical Advice" (AMA) form. Dr. Sin prepared the form, signed it, and gave it to King. King brought the form to Gutierrez and advised the deputies that Gutierrez needed to sign the form. Deputy [redacted] removed the handcuffs from Gutierrez' right wrist and Gutierrez signed the AMA form. King made a copy of the form and gave it to the deputies.

[redacted] told Gutierrez that they were going to bring him back to South Los Angeles Jail. Deputy [redacted] stood on Gutierrez' left side and Deputy Chevez stood near the head of the bed. [redacted] leaned forward to activate the lever to raise the bed to a seated position. As he did so, Gutierrez quickly reached across his body with his right hand and grabbed the pistol grip of [redacted] holstered firearm.[2]

Gutierrez yanked on [redacted] pistol. [redacted] placed both of his hands on top of Gutierrez' right hand and attempted to pull Gutierrez' hand off the pistol grip. As [redacted] struggled to retain his firearm, Chevez hit Gutierrez five to ten times in his head and face area using his fist. Chevez' blows had no effect. Chevez removed his expandable baton and struck Gutierrez multiple times in the head. Gutierrez knocked the baton from Chevez' hand and did not release [redacted] weapon.[3]

---

[1] [redacted] another patient, had been admitted to room #12 bed A prior to Gutierrez' arrival.
[2] [redacted] duty weapon was in a holster on the right side of his Sam Browne gun belt.
[3] It is unclear how Gutierrez knocked the baton from Chevez' hand. Gutierrez' left hand was handcuffed to the horizontal portion of the bed railing which allowed for significant movement back and forth along the railing.



Keeping his right hand on Gutierrez' hand, [redacted] removed his Oleoresin Capsicum (OC) spray with his left hand. [redacted] deployed the OC spray at Gutierrez' face until Gutierrez released Swanson's firearm. [redacted] stepped back and verified that his weapon was secure in its holster.

Gutierrez got up from the hospital bed while his left hand was still handcuffed to the bed's railing and jerked his left arm in an attempt to free it. He lunged with his right hand reaching toward [redacted] pistol. [redacted] stepped back. At the same time, Chevez, believing that Gutierrez was again trying to arm himself with [redacted] pistol and in fear for his and his partner's life, removed his duty weapon and fired one time at Gutierrez, killing him.

Almost immediately, Dr. Sin arrived, entered the hospital room, and checked Gutierrez' pulse, finding none. He pronounced Gutierrez dead at 1:05 a.m.

[redacted] Gutierrez' hospital roommate, told investigators that she was not paying close attention to the situation but did hear a nurse indicate that Gutierrez was refusing medical treatment. She saw the nurse leave the room while the deputies and Gutierrez remained in the room behind the privacy curtain. Shortly thereafter [redacted] heard a loud crashing sound. She immediately got up, grabbed her purse, and exited the room. As [redacted] left, she heard a gunshot.

King also heard yelling and a "ruckus" coming from Gutierrez' room. She got up from the nurse's station and walked to room #12. King looked in at the same time that [redacted] and her [redacted] were leaving the room. King saw a deputy and Gutierrez wrestling on the floor. King pulled [redacted] out of the room and closed the door. As King sat [redacted] and her [redacted] down near the nurse's station, she heard one gunshot.[4]

On October 22, 2012, Dr. Cho Lwin, Deputy Medical Examiner, performed an autopsy on Gutierrez. Dr. Lwin concluded that Gutierrez died as a result of a gunshot wound to the head. Dr. Lwin also noted lacerations and blunt force trauma to Gutierrez' head. The toxicology specimens taken from Gutierrez' femoral blood tested positive for methamphetamine and amphetamine.

The investigation revealed that Gutierrez had been arrested on October 17, 2012 at 2:45 p.m. for possession of methamphetamine in violation of Health and Safety Code section 11377. He was taken to South Los Angeles Jail and booked there without incident. At approximately 11:30 p.m., Gutierrez complained of chest pains to his roommate, [redacted] and fell off his bunk onto the floor. [redacted] yelled "man down" to attract the attention of the custody assistants. Custody Assistant Victor Luna contacted the paramedics, who responded, treated Gutierrez, and transported him to the hospital.

During the struggle, Gutierrez' bed was moved so that the head of the bed rested approximately 2-3 feet away from the wall at an angle. The baton was found on the floor adjacent to the privacy curtain separating the two beds.

[4] [redacted] left the hospital room earlier in order to retrieve [redacted] jacket. When he returned, [redacted] was walking out of the room. The nurse told [redacted] to get away from the room, which he did. [redacted] did not see the incident.

At the time of the incident, Gutierrez was 27 years old, stood five feet seven inches tall and weighed 175 pounds. He has several tattoos covering his body, including one across his chest reading "FUCK PIGS." [redacted]

CONCLUSION

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Conner (1989) 490 U.S. 386, 396-397.

The evidence examined in this investigation shows that Jilberto Gutierrez complained of chest pain while in jail and was transported to Centinela Hospital for treatment. Once there, he refused all treatment. As the deputies were preparing to transport Gutierrez back to South Los Angeles Jail, Gutierrez quickly grabbed the pistol grip of Deputy [redacted] holstered firearm. [redacted] immediately tried to pull Gutierrez' hand from his duty weapon. At the same time, Deputy Chevez unsuccessfully attempted to get Gutierrez to release the weapon using his hands, and later, his baton. [redacted] was able to deploy his OC spray at Gutierrez, which caused Gutierrez to release [redacted] weapon. Gutierrez then stood up, lunged, and again reached for [redacted] firearm. Deputy Chevez, in fear for his and his partner's life, fired his weapon one time, killing Gutierrez.

We conclude that Deputy David Chevez acted lawfully in self-defense and defense of others when he used deadly force against Jilberto Gutierrez. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By Amy Pentz

AMY PELLMAN PENTZ
Deputy District Attorney
(213) 974-3888

c: Deputy David Chevez #[redacted]